

Appl. No. 09/854,190
Response dated September 27, 2004
Reply to Office action of March 25, 2004

REMARKS

Reconsideration is respectfully requested. Claims 1-6 are present in the application.

The Examiner has rejected claims 1-6 under 35 U.S.C. 103(a) as being "anticipated by" (the applicants believe the Examiner means "unpatentable over" or "made obvious by") Zajdman et al. U.S. Patent 5,099,492. The applicants respectfully traverse. The Zajdman document does not meet all of the limitations in the claims. For example, Zajdman does not teach or suggest a center offset, and it does not disclose spacers as claimed by the applicants.

The Examiner alleges obviousness stating "discovering the optimum or workable ranges involves only routine skill in the art, in this case the center position and offset center (The term used in the specification and claims is "center offset".) The Zajdman document, however, describes using an "annular flat feedback mirror 20", see Fig. 4. A flat mirror has no center offset. The center offset as disclosed and claimed is determined by its focal point. A flat mirror has no focal point. The Examiner's action does not include a prima facie case of obviousness as all the limitations of the claims are not met nor suggested by the Zajdman document.

Another limitation not met by Zajdman is "...by way of spacers..." in independent claims 1 and 4. In co-pending

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application 09/854,421, in rejecting claims the Examiner argues the Zajdman et al. U.S. 5,099,492 reference shows "a cylindrical straight slab type gas laser ...without the need for spacers disposed between the electrodes." In rejecting applicants' claims for this application in the current action the Examiner argues that the same document (Zajdman et al. U.S. 5,099,492) show "a cylindrical straight slab type gas laser ... a pair of cylindrical electrodes... disposed concentrically by way of spacers." The same reference, having one embodiment, in the same figure can not possibly show the absence of spacers and at the same time the presence of spacers! In both cases the Examiner is picking and choosing limitations that are not present to reject applicants' claims. The Zajdman document does not meet all the limitations of applicants' claims in the related application, and it does not meet all the limitations of the claims in this application, the spacers noted above being one example. The applicants respectfully request the Examiner reconsider and allow all the claims in this case.

As discussed in applicant's response to the Examiner's action dated August 26 2003, adjusting the center offset is not a result-effective variable. By adjusting the center offset, one of ordinary skill in the art would expect to adjust the beam intensity, not the intensity distribution. Fig. 5(a)-5(c) show the results of applicants' experimentation of varying the center offset. The applicants teach how the center offset can be

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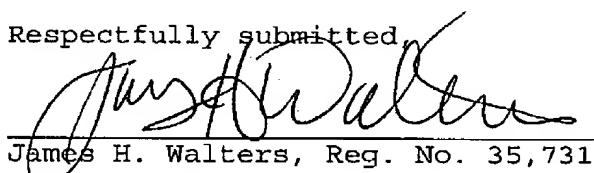
modified for the purpose of improving intensity distribution. The prior art does not. Claims 2-3 and 5-6 depend respectfully from and include all the limitations of claims 1 and 4 which are believed to be allowable.

The other art cited has not been relied on and is therefore believed to not be pertinent.

A notice of appeal is being submitted concurrently herewith, to maintain the application in pending status and to allow applicants to proceed to appeal if the application is not allowed.

In light of the above noted remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

Respectfully submitted,



James H. Walters, Reg. No. 35,731

Customer number 802
DELLETT AND WALTERS
P.O. Box 2786
Portland, Oregon 97208-2786 US
(503) 224-0115
DOCKET: Y-183

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